APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,988	09/29/2003	Yasuhiro Oshima	ITECP002	5213

25920   7590   11/24/2009
MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

EXAMINER
ZIEGLE, STEPHANIE M

ART UNIT	PAPER NUMBER
3684	

MAIL DATE	DELIVERY MODE
11/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/674,988	OSHIMA ET AL.
	Examiner	Art Unit	
	STEPHANIE ZIEGLE	3684	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 August 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-7, 9-14, and 17-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-7,9-14 and 17-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
           application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail. Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 August 2009 has been entered.

Status of Claims

2.   This action is in reply to the RCE filed on 24 August 2009.

3.   Claims 1, 11-12, and 20 have been amended.

4.   Claims 8, 15-16, and 21-30 have been canceled.

5.   Claims 1-7, 9-14, and 17-20 are currently pending and have been examined.

6.   The 112 1st rejection regarding claims 11 and 20 is hereby withdrawn.

7.   The 101 rejection over claims 11 and 20 is hereby withdrawn.

Response to Arguments

8.   Applicant's arguments received on 24 August 2009 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is

intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

9.   With regard to the limitations of claims 1, 11 and 20, Applicant argues that "the Seretti reference and none of the other references cited teaches or suggests sending quotation information including an acceptance of the used article at the trade-in quote." The examiner respectfully disagrees. Seretti discloses customers obtaining appraisal for a vehicle and those customers often trade-in vehicles that they currently own when purchasing a new vehicle. Seretti does not explicitly disclose that the information provided to the customer contains information including acceptance of the item at the trade-in quote; however HP in at least page 1 sections 1 and 2 discloses providing a user with a trade-in quotation amount for which they will accept the item. Ellenson also discloses this limitation in at least the abstract, where the system provides the customer with a guaranteed price for the used item. This is indeed the same thing as having the quotation information contain information that the system will accept the item for the trade-in price.

10.   With regard to Applicant's attempted traversals of Examiner's Official Notice, Examiner directs Applicant's attention to MPEP §2144.03(C). Applicant's attempted traversals are inadequate because Applicant neither specifically points out the supposed errors in Examiner's official notice nor why Applicant believes Examiner is in error. As noted in that section of the MPEP, Examiner is not required to provide a supporting reference for asserted common knowledge unless the subject matter of the asserted common knowledge is technical by nature and is itself beyond common knowledge. Due to the inadequate traversal of the Official Notice, the statements of official notice are now taken as admitted prior art.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

12.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966),

that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a)

are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating obviousness or
>   nonobviousness.

13.   Claims 1-2, 5-6, 9-10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the

Overview of the HP Trade-in Process, hereinafter HP in view of Ellenson et al (US 2003/0200151),

hereinafter Ellenson and further in view of Seretti et al (US 5,978,776), hereinafter Seretti.

Claim 1:

HP, as shown, discloses the following limitations:

> o   *causing a server computer, which is connected with the user computer in a*
>
>   *communicable manner, to receive a quotation request of the used article and*
>
>   *quotation requirement information, which is required for quotation of the used article,*
>
>   *from the user computer and to determine a trade-in quote for the acceptance of the*
>
>   *used article that is a trade-in if the used article with purchase of a product and a*
>
>   *cash-out quote for the .acceptance of the used article that is a cash-out of the used*
>
>   *article without purchase of a product, based on the quotation requirement*
>
>   *information;* [See at least Section 1: Tell us about your current products]

- o *quotation information including an acceptance of the used article at the trade in quote* [See at least Sections 1 and 2: Tell us about your current products and ship your products for trade]

HP does not disclose the following limitation. Ellenson, however, does disclose the following:

- o *(b) causing the server computer to send quotation information, which includes the trade-in quote and the cash-out quote determined in said step (a), to the user computer* [See at least Figure 7G]

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request of HP with the return of a quotation window of Ellenson because it "allows a consumer to accurately assess the current market value of his vehicle/item (Ellenson paragraph 0009 lines 13-14)." The combination of HP and Ellenson does not disclose the following limitations. Seretti, however, does disclose:

- o *wherein said step (b) causes the server computer to determine whether the cash-out quote, which has been determined based on the quotation requirement information, is in a preset allowable cash-out value range and, when it is determined that the cash-out quote is out of the preset allowable cash-out value range, to send the quotation information excluding the cash-out quote to the user computer.* [See at least column 6 lines 31-55]

The combination of HP and Ellenson also does not disclose providing a cash-out quote Seretti in at least Figure 4 and related text does discloses providing a buy figure and an appraisal figure for a used item. It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window of HP and Ellenson with the cash-out quote and range of Seretti because it would allow a customer to quickly and easily obtain an accurate current market value for their item.

Claim 2:

The combination of HP, Ellenson, and Seretti, as shown in the rejection above, discloses all of the limitations of claim 1. Seretti also discloses the following:

- o　*said step (a) causes the server computer to determine the trade-in quote and the cash-out quote in such a manner that the trade-in quote is higher than the cash-out quote.* [See at least column 6 lines 31-55]

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window, the cash-out quote and range of HP, Ellenson, and Seretti with the trade-in quote being higher of Seretti because it enables the seller to provide an buying incentive to the customer in order for the transaction to be mutually beneficial for both parties (i.e. the seller receives money from the transaction instantly from the sale of the new item rather then having to wait to sell the used item, while the customer is able to dispose of their used item quickly and conveniently).

Claim 5:

The combination of HP, Ellenson, and Seretti, as shown in the rejection above, discloses all of the limitations of claim 1. Seretti also discloses the following:

- o　*step (a) causes the server computer to set a minimum value and a maximum value of the cash-out quote and a maximum value and a minimum value of the trade-in quote.* [See at least column 6 lines 31-55]

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window, the cash-out quote and range of HP, Ellenson, and Seretti with the maximum/minimum values of Seretti because it allows for an accurate market value to be set for the item while taking into consideration the different aspects (condition, added features etc) of the item.

Claim 6:

The combination of HP, Ellenson, and Seretti, as shown in the rejection above, discloses all of the limitations of claim 1. Ellenson also discloses the following:

o   *step (b) causes the server computer to send a quotation window, which includes a cash-out option selected by the user to request a cash-out at the cash-out quote and a trade-in option selected by the user to request a trade-in at the trade-in quote, in addition to the cash- out quote and the trade-in quote, as the quotation information to the user computer.* [See at least Figure 7G]

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window, the cash-out quote and range of HP, Ellenson, and Seretti with the return of a quotation window of Ellenson because it "allows a consumer to accurately assess the current market value of his vehicle/item (Ellenson paragraph 0009 lines 13-14)."

Claim 9:

The combination of HP, Ellenson, and Seretti, as shown in the rejection above, discloses all of the limitations of claim 1. Ellenson also discloses the following:

o   *said step (b) causes the server computer to send a quotation window, which includes a cash- out option selected by the user to request a cash-out at the cash-out quote and a trade-in option selected by the user to request a trade-in at the trade-in quote, in addition to the cash- out quote and the trade-in quote, as the quotation information to the user computer and,* [[See at least Figure 7G]

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window, the cash-out quote and range of HP, Ellenson, and Seretti with the return of a quotation window of Ellenson because it "allows a consumer to accurately assess the current market value of his vehicle/item (Ellenson paragraph 0009 lines 13-14)." Seretti also discloses the following limitation:

    o   *when the cash-out quote, which has been determined based on the quotation requirement information, is out of a preset allowable cash-out value range, to send either of the quotation window excluding the cash-out option or the quotation window including the cash-out option in a certain state that does not allow for the user's selection, to the user computer.* [See at least column 6 lines 31-55]

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window, the cash-out quote and range of HP, Ellenson, and Seretti with the cash-out quote and range of Seretti because it would allow a customer to quickly and easily obtain an accurate current market value for their item.

Claim 10:

    The combination of HP, Ellenson, and Seretti, as shown in the rejection above, discloses all of the limitations of claim 1. HP also discloses the following:

    o   *said step (a) causes the server computer to receive the quotation request of the used article and information regarding a component included in the used article as the quotation requirement information, which is required for quotation of the used article, from the user computer and to determine the trade-in quote and the cash-out quote, based on the information regarding the component included in the used article.* [See at least Section 1: Tell us about your current products]

Seretti also discloses providing a cash-out quote in at least Figure 4 and related text does discloses providing a buy figure and an appraisal figure for a used item. It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window of HP and Ellenson with the cash-out quote and range of Seretti because it would allow a customer to quickly and easily obtain an accurate current market value for their item.

Claim 11:

HP, as shown, discloses the following limitations:

o   *a quote determination module that receives a quotation request of the used article
    and quotation requirement information, which is required for quotation of the used
    article, from the user computer and determines a trade-in quote for the acceptance of
    the used article that is a trade-in of the used article with purchase of a product and a
    cash-out quote for the acceptance of the used article that is a cash-out of the used
    article without purchase of a product, based on the quotation requirement
    information;* [See at least Section 1: Tell us about your current products]

o   *quotation information including an acceptance of the used article at the trade in quote*
    [See at least Sections 1 and 2: Tell us about your current products and ship your
    products for trade]

HP does not disclose the following limitation. Ellenson, however, does disclose the following:

o   *a quotation information transmission module that sends quotation information, which
    includes the trade-in quote and the cash-out quote determined by said quote
    determination module, to the user computer wherein said quotation information
    transmission module causes said quote determination module to determine whether
    the cash-out quote, which has been determined based on the quotation requirement
    information, is in a preset allowable cash-out value range and,* [See at least figure 2
    and related text].

o   *Wherein each of the modules in the used article quotation system is implemented as
    machine instructions stored on a computer-readable storage medium for execution
    by a processor*[See at least the abstract: computer-based]

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request of HP with the return of a quotation window and the computer of Ellenson because it "allows a consumer to accurately assess the current market value of his vehicle/item (Ellenson paragraph 0009 lines 13-14)." The combination of HP and Ellenson does not disclose the following limitations. Seretti, however, does disclose:

- o   *when it is determined that the cash-out quote is out of the preset allowable cash-out value range, to send the quotation information excluding the cash-out quote to the user computer.* [See at least column 6 lines 31-55]

The combination of HP and Ellenson also does not disclose providing a cash-out quote Seretti in at least Figure 4 and related text does discloses providing a buy figure and an appraisal figure for a used item. It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window of HP and Ellenson with the cash-out quote and range of Seretti because it would allow a customer to quickly and easily obtain an accurate current market value for their item.

14.   Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over HP in view of Seretti further in view of Ellenson and even further in view of Official Notice (now admitted prior art).

Claim 3:

The combination of HP, Ellenson, and Seretti, as shown in the rejection above, discloses all of the limitations of claim 1. The combination of HP, Ellenson, and Seretti does not disclose *said step (a) causes the server computer either to determine first the cash-out quote and then the trade-in quote based on the predetermined cash-out quote in such a manner that the trade-in quote is higher than the cash-out quote, or to determine first the trade-in quote and then the cash-out quote based on the predetermined trade-in quote in such a manner that the trade-in quote is higher than the cash-out quote.* However, the Examiner takes **Official**

Notice (now admitted prior art) that it is old and well known in the computation arts to determine two quotes in succession, without the order being significant. It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window, the cash-out quote and range of HP, Ellenson, and Seretti with the beneficial trade-in quote because the company that is providing the quote would like to offset the cost loss that occurs when a customer does not purchase a product when disposing of their old item.

Claim 4:

The combination of HP, Ellenson, and Seretti, as shown in the rejection above, discloses all of the limitations of claim 1. The combination of HP, Ellenson, and Seretti does not disclose *step (a) causes the server computer either to determine the cash-out quote and compute the trade-in quote as a function of the predetermined cash-out quote, or to determine the trade-in quote and compute the cash-out quote as a function of the predetermined trade-in quote.* However, the Examiner takes **Official Notice (now admitted prior art)** that it is old and well known in the computation arts to determine one value as a function of another. It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window, the cash-out quote and range of HP, Ellenson, and Seretti with the dependency of the quotes because it allows the company that is providing the quotes to minimize the cost loss that occurs when a customer does not purchase a product when disposing of their old item.

15.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over HP in view of Seretti further in view of Ellenson and even further in view of Brian Marshall's article "How Internet Cookies Work," hereinafter Marshall.

Claim 7:

The combination of HP, Ellenson, and Seretti, as shown in the rejection above, discloses all

of the limitations of claim 6. The combination of HP, Ellenson, and Seretti does not disclose

the following limitation. Marshall, however, does disclose:

- o *(c) in response to receipt of the user's selection of the trade-in option from the user*
  computer after said step (b), causing the server computer to store a trade-in
  specification, which includes the quotation requirement information and the trade-in
  quote, into a storage unit; [See at least Cookie Basics and How do Web sites use
  cookies]

- o *(d) in response to receipt of a product purchase request from the user computer,*
  causing the server computer to read the trade-in specification stored in said storage
  unit, to send the read-out trade-in specification to the user computer, and to ask the
  user whether to effectuate a trade-in according to the trade-in specification. [See at
  least Cookie Basics and How do Web sites use cookies]

It would have been obvious to one skilled in the art at the time of the invention to combine the

quotation request and window, the cash-out quote and range of HP, Ellenson, and Seretti

with the cookie of Marshall because "they provide a better user experience and make it much

easier to gather accurate information about the site's visitors (Marshall paragraph 002)."

16. Claims 12-14, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over HP in

view of Ellenson and further in view of Applicants Own Admissions, hereinafter AOA.

Claim 12:

HP, as shown, discloses the following limitations:

o   *(a) causing a server computer, which is connected with the user computer in a communicable manner, to receive a quotation request of the used article and quotation requirement information, which is required for quotation of the used article, from the user computer and to set a tentative quote of the used article, based on the quotation requirement information;* [See at least Section 1: Tell us about your current products].

o   *quotation information including an acceptance of the used article at the firm price* [See at least Sections 1 and 2: Tell us about your current products and ship your products for trade]

HP does not disclose the following limitation. Ellenson, however, does disclose:

o   *(d) causing the server computer to send quotation information including the final quote, to the user computer.* [See at least Figure 7G]

o   *Wherein each of the modules in the used article quotation system is implemented as machine instructions stored on a computer-readable storage medium for execution by a processor*[See at least the abstract: computer-based]

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request of HP with the return of a quotation window of Ellenson because it "allows a consumer to accurately assess the current market value of his vehicle/item (Ellenson paragraph 0009 lines 13-14)." The combination of HP and Ellenson does not disclose the following limitations. AOA, however, does disclose:

o   *(b) causing the server computer to determine whether assessment of the used article is required, according to the tentative quote;* [AOA page 3 paragraph 1]

o   *(c) when it is determined in said step (b) that assessment of the used article is not required, causing the server computer to a lowest price according to the tentative*

> quote as a firm price for acceptance of the used article without assessment and to set the firm price to a final quote of the used article, and when it is determined in said step (b) that assessment of the used article is required, causing the server computer to set a value range from the lowest to a highest price according to the tentative quote to the final quote of the used article on the condition of assessment of the used article; [AOA page 3 paragraph 1]

> - step (c), when it is determined in said step (b) that assessment of the used article is not required, causes the server computer to compare the tentative quote with a predetermined value level criterion and to set the settled price of no value range determined according to the tentative quote to the firm price in the case where the tentative quote exceeds the predetermined value level criterion and to set a fixed value regardless of the tentative quote to the firm price in the case where the tentative quote is not greater than the predetermined value level criterion. [See at least page 3 paragraph 1].

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window of HP and Ellenson with the assessment determination because it allows the customer to receive the fair and accurate value of their item.

Claim 13:

The combination of HP, Ellenson, and AOA, as shown in the rejections above, disclose all of the limitations of claim 12. AOA also discloses the following:

> - step (b) causes the server computer to determine that assessment of the used article is not required, when the tentative quote is less than a preset assessment requirement judgment value. [See at least page 3 paragraph 1].

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window of HP and Ellenson with the assessment of AOA because it allows the customer to receive the fair and accurate value of their item.

Claim 14:

The combination of HP, Ellenson, and AOA, as shown in the rejections above, disclose all of the limitations of claim 12. AOA also discloses the following:

> o *step (c), when it is determined in said step (b) that assessment of the used article is not required, causes the server computer to specify a value level of the tentative quote and to set either of the settled price of no value range determined according to the tentative quote or a fixed value regardless of the tentative quote to the firm price, based on the specified value level* [See at least page 3 paragraph 1].

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window of HP and Ellenson with the assessment of AOA because it allows the customer to receive the fair and accurate value of their item.

Claim 17:

The combination of HP, Ellenson, and AOA, as shown in the rejections above, disclose all of the limitations of claim 12. AOA also discloses the following:

> o *(e) causing the server computer to determine whether the used article is worth of acceptance, based on the setting of the tentative quote in said step (a), wherein, when it is determined in said step (e) that the used article is not worth of acceptance, said step (d) causes the server computer to send the quotation information including*

> *a notice that the used article is not acceptable, to the user computer.* [AOA page 3 paragraph 1]

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window of HP and Ellenson with the assessment of AOA because it allows the customer to receive some sort of compensation no matter what their item is actually worth.

Claim 20:

HP, as shown, discloses the following limitations:

- o *a tentative quote setting module that receives a quotation request of the used article and quotation requirement information, which is required for quotation of the used article, from the user computer and sets a tentative quote of the used article based on the quotation requirement information;* [See at least Section 1: Tell us about your current products].

- o *quotation information including an acceptance of the used article at the firm price* [See at least Sections 1 and 2: Tell us about your current products and ship your products for trade]

HP does not disclose the following limitation. Ellenson, however, does disclose:

- o *a quotation information transmission module that sends quotation information including the final quote set by said final quote setting module, to the user computer.* [See at least Figure 2 and related text and claim 13]

- o *Wherein each of the modules in the used article quotation system is implemented as machine instructions stored on a computer-readable storage medium for execution by a processor* [See at least the abstract: computer-based]

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request of HP with the return of a quotation window of Ellenson because it "allows a consumer to accurately assess the current market value of his vehicle/item (Ellenson paragraph 0009 lines 13-14)." The combination of HP and Ellenson does not disclose the following limitations. AOA, however, does disclose:

- o *an assessment requirement judgment module that determines whether assessment of the used article is required, according to the tentative quote set by said tentative quote setting module;* [AOA page 3 paragraph 1]

- o *a final quote setting module that, when it is determined that assessment of the used article is not required by said assessment requirement judgment module, determines a lowest price according to the tentative quote as a firm price for acceptance of the used article without assessment and sets the firm price to a final quote of the used article, and when it is determined that assessment of the used article is required by said assessment requirement judgment module, sets a value range from the lowest to a highest price according to the tentative quote to the final quote of the used article on the condition of assessment of the used article; and* [AOA page 3 paragraph 1]

- o *step (c), when it is determined in said step (b) that assessment of the used article is not required, causes the server computer to compare the tentative quote with a predetermined value level criterion and to set the settled price of no value range determined according to the tentative quote to the firm price in the case where the tentative quote exceeds the predetermined value level criterion and to set a fixed value regardless of the tentative quote to the firm price in the case where the tentative quote is not greater than the predetermined value level criterion.* [See at least page 3 paragraph 1].

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window of HP and Ellenson with the assessment determination because it allows the customer to receive the fair and accurate value of their item.

17. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over HP in view of Ellenson, further in view of AOA and even further in view of Seretti.

Claim 18:

The combination of HP, Ellenson, and AOA, as shown in the rejections above, disclose all of the limitations of claim 12. HP also discloses the following:

- o *Wherein said step (a) causes the server computer to receive the quotation request of the used article and the quotation requirement information, which is required for quotation of the used article, from the user computer and to set a tentative trade-in quote for the acceptance of the used article that is a trade-in with purchase of a product and a tentative cash-out quote for the acceptance of the used article that is a cash-out without purchase of a product, based on the quotation requirement information,* [See at least Section 1: Tell us about your current products]

Ellenson also discloses the following:

- o *said step (d) causes the server computer to send the quotation information including both the final trade-in quote and the final cash-out quote, to the user computer.* [See at least Figure 7G]

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request of HP with the return of a quotation window of Ellenson because it "allows a consumer to accurately assess the current market value of his vehicle/item (Ellenson paragraph 0009 lines 13-14)." AOA also discloses the following:

- o *said step (b) causes the server computer to determine whether assessment of the used article is required individually with regard to the trade-in and the cash-out,* [AOA page 3 paragraph 1]

- o *when it is determined in said step (b) that assessment of the used article is not required with regard to each of the trade-in and the cash-out, said step (c) causes the server computer to determine a settled trade-in price of no value range according to the tentative trade-in quote as a firm trade-in price for the trade-in without assessment and set the firm trade-in price to a final trade-in quote of the used article, and to determine a settled cash-out price of no value range according to the tentative cash-out quote as a firm cash-out price for the cash-out without assessment and set the firm cash-out price to a final cash-out quote of the used article, and* [AOA page 3 paragraph 1]

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window of HP and Ellenson with the assessment determination because it allows the customer to receive the fair and accurate value of their item. The combination of HP, Ellenson, and AOA does not disclose a cash-out quote however Seretti discloses providing a buy figure and an appraisal figure in at least Figure 4 and related text. It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window, and the assessment of HP, Ellenson, and AOA with the cash-out quote and range of Seretti because it would allow a customer to quickly and easily obtain an accurate current market value for their item.

Claim 19:

The combination of HP, Ellenson, AOA, and Seretti as shown in the rejections above,

disclose all of the limitations of claim 18. AOA also discloses the following:

- o *(f) causing the server computer to determine whether the used article is worth of acceptance with regard to at least the cash-out, based on the setting of the tentative cash-out quote in said step (a),* [AOA page 3 paragraph 1]

- o *wherein, when it is determined in said step (f) that the used article is not worth of acceptance, said step (d) causes the server computer to send the quotation information including a notice that the used article is not acceptable, to the user computer.* [AOA page 3 paragraph 1]

It would have been obvious to one skilled in the art at the time of the invention to combine the quotation request and window, the assessment, and the cash-out quote of HP, Ellenson, AOA, and Seretti with the assessment of AOA because it allows the customer to receive some sort of compensation no matter what their item is actually worth.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Stephanie M. Ziegle** whose telephone number is **571.272.4417.** The Examiner can normally be reached on Monday-Friday, 6:30am-3:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **KAMBIZ ABDI** can be reached at **571.272.6702**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov >. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

<div align="center">

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to **571-273-8300.**

</div>

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

<div align="center">

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

</div>

/Stephanie Ziegle/ Examiner, Art Unit 3684
20 November 2009

/Jennifer Liversedge/

Examiner, Art Unit 3684